

# Exhibit 2

# U.S. Department of Education



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## Dear Colleague Letter

### OFFICE OF THE ASSISTANT SECRETARY

June 22 , 2007

Dear Colleague:

As we celebrate the 35th anniversary of *Title IX* (*Title IX of the Education Amendments of 1972*, 20 U.S.C. 1681 *et seq.*) on June 23, 2007, it is appropriate to take a moment to consider the significant strides we have made towards providing an education to all students, male and female, free of discrimination. As one of the nation's landmark civil rights laws, *Title IX* has opened countless doors for women and girls. While *Title IX* has attracted much attention in the areas of interscholastic and intercollegiate athletics, it profoundly affects all aspects of education far beyond the playing field. As we continue to work towards the elimination of sex discrimination in education, it is important that we reflect on how much we have accomplished and on what students and educators can achieve when everyone—regardless of sex—is given an equal opportunity to succeed.

Congress entrusted the Office for Civil Rights (OCR) in the United States Department of Education (Department) with the responsibility of enforcing *Title IX* in education programs and activities receiving financial assistance from the Department. In response to growing concern about disparities in the educational experiences of male and female students, Congress enacted the law to eliminate sex discrimination in the classroom, in course offerings, in athletics, in extracurricular activities, and in employment in education programs.

Many of today's students would be quite surprised by our nation's education landscape before *Title IX* was enacted. Back then, there were far fewer female students on college campuses. Female students at the secondary and postsecondary levels often were steered towards courses that were perceived to be "more appropriate" for women to study, and faculty members were overwhelmingly male. Women were much less likely to receive undergraduate, graduate, or postgraduate degrees, particularly in academic areas that were once considered "traditionally male." Women and girls comprised a shockingly low percentage of the student athletes at high schools and colleges, and school support for female athletes and teams was often remarkably inadequate.

Today, in part because of *Title IX*, the Department's vigorous enforcement of the law, and our nation's commitment to the elimination of sex discrimination, we have removed many obstacles and greatly increased the ability of women and girls to take advantage of the opportunities previously denied them. This is also due in no small part to the efforts of our nation's education institutions at the elementary, secondary, and postsecondary levels.

In order for students to access the educational opportunities to which they are entitled, we must first ensure that they are receiving a high-quality education, graduating from high school, and enrolling in colleges and universities. *Title IX* has been an effective and crucial means to these ends. From 1972 to 2005, the percentage of women who enrolled in college immediately after graduating from high school rose from 46 percent to 70 percent. In 1972,

approximately 3,512,000 women were enrolled in undergraduate institutions, making up 44 percent of undergraduate enrollment; by fall 2005, that number had increased to 8,555,000, or 57 percent. Between academic years 1971–72 and 2004–05, the percentage of bachelor's degrees earned by women also increased from 44 percent to 57 percent. Additionally, more and more women have entered the work force with advanced degrees—from 1971–72 to 2004–05, the percentage of master's degrees earned by women increased from 41 percent to 59 percent, and the percentage of doctoral degrees awarded to women increased from 16 percent to 49 percent. Women also are pursuing professional degrees in increasing numbers. In fall 1972, women made up only 11 percent of students enrolled in first-professional degree programs; by fall 2005, that percentage more than quadrupled to 49 percent, and women are projected to have exceeded 50 percent of total first-professional enrollment for the first time in 2006.

Since it was enacted, *Title IX* has drawn a great deal of attention to our schools' athletics programs. It, therefore, comes as no surprise that *Title IX* has had a significant impact on athletics at the secondary and postsecondary levels. *Title IX* has improved and enhanced athletic opportunities for women and girls by allowing students equal opportunity to participate without discrimination based on sex. For example, at the collegiate level in 1972, only 29,977 female student athletes, or 15 percent, participated in sports and recreational programs at National Collegiate Athletic Association (NCAA) member institutions; by 2005–06, the number of intercollegiate female student athletes increased to 170,526, or 43 percent. Additionally, the number of girls participating in high school athletics has increased dramatically. In 1971–72, only 294,015 girls participated in high school athletics; in 2005–06, that number was 2,953,355, representing an increase from 7 percent in 1971–72 to 41 percent in 2005–06.

As our dependence on technology and innovation increases, it has become clear that, while women and girls benefit from increased opportunities in areas such as mathematics and science, our society also benefits overall when women and girls participate in those arenas. The United States cannot remain educationally, economically, or technologically competitive without the contributions of all of its citizens, and *Title IX* has made it possible for more women and girls to make such contributions. In 2004, 71 percent of female high school graduates had completed advanced-level chemistry, biology and-or physics courses, 44 percent had completed mid-level mathematics courses, and 52 percent had completed advanced mathematics courses. We have also seen significant increases in the percentage of bachelor's degrees earned by women in math and science fields, such as biological-biomedical sciences, engineering, physical sciences and science technologies. However, there is still a significant gap between the percentage of degrees awarded to men and those awarded to women in almost all of the math and science fields, particularly in the fields of computer-information sciences and engineering, and the gap increases with successive advanced degrees. In 1971–72, women earned 15 percent of the bachelor's degrees in physical sciences and science technologies, 14 percent of the master's degrees, and 6 percent of the doctoral degrees. In those same fields, in 2004–05, women earned 42 percent of the bachelor's degrees, 39 percent of the master's degrees, and 28 percent of the doctoral degrees. We are seeing similar trends in other math and science fields as well. We must ensure that sex discrimination is not an obstacle to the opportunities in the math and science fields, for the benefit of our students and for the competitive future of our nation.

*Title IX* also has brought substantial focus to the issue of sexual harassment in schools, and enforcement of *Title IX* principles has made it easier for schools to recognize and address sexual harassment, the elimination of which is essential to provide a safe and secure educational environment for all students. To that end, OCR has published policy that provides schools, faculty, students, and parents with tools to identify, prevent, and remedy sexual harassment. Additionally, since 1975, the *Title IX* regulations have prohibited discrimination based on pregnancy as a form of sex discrimination, and OCR has provided schools with policy guidance that helps schools understand the rights afforded to pregnant students under *Title IX*. I recently issued a letter to postsecondary institutions addressing discrimination against pregnant student athletes in the context of athletic scholarships.

Measurable and undisputable progress has been made since *Title IX* was enacted, due in no small part to the considerable effort and commitment of, and the proactive initiatives taken by, education institutions at all levels to eliminate sex discrimination. Despite significant progress, we still have considerable work before us. Discrimination continues to exist across the nation in education programs and activities.